# ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
# မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်
# ခွင့်ပြုမိန့်

ခွင့်ပြုမိန့်အမှတ် ၁၃၀၈ / ၂၀၁၇ — ၂၀၁၇ ခုနှစ် ဇူလိုင်လ ၁၄ ရက်

ပြည်ထောင်စု သမ္မတမြန်မာနိုင်ငံတော် နိုင်ငံခြားရင်းနှီးမြှုပ်နှံမှု ဥပဒေပုဒ်မ ၁၃ ပုဒ်မခွဲ(ခ)အရ ဤခွင့်ပြုမိန့်ကိုမြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်ကထုတ်ပေးလိုက်သည်-

(က) **ရင်းနှီးမြှုပ်နှံသူ/ကမကထပြုသူ၏အမည်** U ABDUL HAFIZ @ U AUNG NAING

(ခ) **နိုင်ငံသား** မြန်မာ

(ဂ) **နေရပ်လိပ်စာ** အမှတ်(၇၉/၈၀)၊ မြယမုံအိမ်ရာ၊ (၂၆)ရပ်ကွက် ၊ဒဂုံမြို့သစ် (တောင်ပိုင်း)မြို့နယ်၊ ရန်ကုန်မြို့

(ဃ) **ပင်မအဖွဲ့အစည်းအမည်နှင့်လိပ်စာ** MAY YU MARINE PRODUCTS COMPANY LIMITED၊ မြေကွက်အမှတ် (၅၂၅)၊ မြေတိုင်းရပ်ကွက်အမှတ် (၂၃)၊ စက်မှုဇုန်(၁)၊ ဒဂုံမြို့သစ် (တောင်ပိုင်း) မြို့နယ်၊ ရန်ကုန်မြို့

(င) **ဖွဲ့စည်းရာအရပ်** မြန်မာနိုင်ငံ

(စ) **ရင်းနှီးမြှုပ်နှံသည့်လုပ်ငန်းအမျိုးအစား** ငါး၊ ပဲအမျိုးမျိုး နှင့် အသီးအနှံများကို စည်သွပ်ခြင်း နှင့် ဖြန့်ဖြူး ရောင်းချခြင်းလုပ်ငန်း

(ဆ) **ရင်းနှီးမြှုပ်နှံသည့်အရပ်ဒေသ(များ)** မြေကွက်အမှတ် (၅၂၅)၊ မြေတိုင်းရပ်ကွက် အမှတ် (၂၃)၊ စက်မှုဇုန်(၁)၊ ဒဂုံမြို့သစ် (တောင်ပိုင်း)မြို့နယ်၊ ရန်ကုန်မြို့

(ဇ) **နိုင်ငံခြားမတည်ငွေရင်းပမာဏ** အမေရိကန်ဒေါ်လာ ၁.၁၈၄ သန်း

(ဈ) **နိုင်ငံခြားမတည်ငွေရင်းယူဆောင်လာရမည့်ကာလ** ကော်မရှင်ခွင့်ပြုမိန့်ရရှိသည့်နေ့မှ ၁နှစ် အတွင်း

(ည) **စုစုပေါင်းမတည်ငွေရင်းပမာဏ(ကျပ်)** အမေရိကန်ဒေါ်လာ ၂.၉၆၀သန်း နှင့် ညီမျှသော မြန်မာကျပ်ငွေ (အမေရိကန်ဒေါ်လာ ၁.၁၈၄ သန်း အပါအဝင်)

(ဋ) **တည်ဆောက်မှုကာလ** ၁ နှစ်

(ဌ) **ရင်းနှီးမြှုပ်နှံခွင့်ပြုသည့် သက်တမ်း** ၅၀ နှစ်

(ဍ) **ရင်းနှီးမြှုပ်နှံမှုပုံစံ** ဖက်စပ်နိုင်ငံခြားရင်းနှီးမြှုပ်နှံမှု

(ဎ) **မြန်မာနိုင်ငံတွင် ဖွဲ့စည်းမည့် ကုမ္ပဏီအမည်** NUTRIFOOD PRODUCTS COMPANY LIMITED

14.7.17

ဥက္ကဋ္ဌ
မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှုကော်မရှင်

Republic of the Union of Myanmar ★ Myanmar Investment Commission
Sr, No.
Date

# THE REPUBLIC OF THE UNION OF MYANMAR
## MYANMAR INVESTMENT COMMISSION

No.(1), THITISAR ROAD, YANKIN TOWNSHIP, YANGON

Tel: 01-658127
Fax: 01-658136

Our ref :MIC-2/FI-162/2017( 542 )
Date :14 5 July 2017

**Subject : Decision of the Myanmar Investment Commission on the Proposal for " Manufacturing and distribution of Preserved and Canned Fish, Fruits and Various Kinds of Beans" under the name of Nutrifood Products Company Limited**

Reference: Nutrifood Products Company Limited Letter dated (16-11-2017)

1. The Myanmar Investment Commission, at its meeting (9 /2017) held on (16-6-2017) had approved that the proposal for investment in "Manufacturing and distribution of Preserved and Canned Fish, Fruits and Various Kinds of Beans" under the name of "Nutrifood Products Company Limited" submitted as a Joint Venture between May Yu Marine Products Co., Ltd. (60%), Republic of the Union of Myanmar and Indo Suez Trading Pte. Ltd. (40%) from the Republic of Singapore.

2. Hence, the "Permit" is herewith issued in accordance with Chapter VII, section 13(b) of Foreign Investment Law and Chapter VIII, Rule 49 of the Foreign Investment Rules relating to Foreign Investment Law. Terms and conditions to the "Permit" are stated in the following paragraphs.

3. The permitted duration of the project shall be initial 50 (fifty) years and extendable for 10(ten) years in 2(two)times commencing from the date of issuance of Myanmar Investment commission's permit. The lease term shall be initial 50 (fifty) years commencing from the date of signing of the Land lease Agreement between May Yu Marine Products Co., Ltd (lessor) and Nutrifood Products Company Limited (lessee) and extendable for 10(ten) years in 2(two) times by mutual agreement between the lessor and lessee subject to the approval of Myanmar Investment Commission.

4. The annual rent for the land shall be US$ 20,234.30(United States Dollar twenty thousand, two hundred thirty-four and thirty cents only) calculated at US$ 5.00 per square meter per year for 50(fifty) years of the total land measuring 4046.86 square meters (1 acre).

5. In issuing this "Permit", being applied within the time frame of the Notification No. 123/2016 (16-11-2016) issued by the Myanmar Investment Commission, the Commission has granted the following exemptions and reliefs as per Chapter XII, section 27(a), (h), (i) and (k) of Foreign Investment Law. Other exemptions and reliefs under section 27 shall have to be applied upon the actual performance of the project:-

(a) As per section-27(a), income tax exemption for a period of five consecutive years including the year of commencement on commercial operation;

(b) As per section-27(h), exemption or relief from custom duty or other internal taxes or both on machinery, equipment, instrument, machinery components, spare parts and materials used in the business which are imported as they are actually required for use during period of construction of business;

(c) As per section-27(i), exemption or relief from customs duty or other internal taxes or both on raw materials imported for production for the first three-year after the completion of construction of business;

(d) As per section 27(k), exemption or relief from commercial tax on the goods produced for export.

6. Nutrifood Products Company Limited shall have to sign the Land lease Agreement with May Yu Marine Products Co., Ltd. Moreover, May Yu Marine Products Co., Ltd. shall have to sign the Joint Venture Agreement with Indo

Suez Trading Pte Ltd. After signing such Agreements, each of (5)copies shall have to be forwarded to the Commission.

7. Nutrifood Products Company Limited in consultation with the Company Division, Directorate of Investment and Company Administration shall have to be registered. After registration, (5)copies each of Certificate of Incorporation and Memorandum of Association and Articles of Association shall have to be forwarded to the Commission.

8. Nutrifood Products Company Limited shall use its best efforts for timely realization of works stated in the Proposal. If none of such works has been commenced within one year from the date of issue of this "Permit" it shall become null and void.

9. Nutrifood Products Company Limited has to abide by Chapter X, Rule 58 and 59 of the Foreign Investment Rules for construction period.

10. As per Chapter X, Rule 61 of the Foreign Investment Rules, extension of construction period shall not be granted more than twice except it is due to unavoidable events such as natural disasters, instabilities, riots, strikes, emergency of State condition, insurgency and outbreak of wars.

11. As per Chapter X, Rule 63 of the Foreign Investment Rules, if the investor cannot construct completely in time during the construction period or extension period, the Commission will have to withdraw the permit issued to the investor and there is no refund for the expenses of the project.

12. The investor or promoter shall apply the commencement date of commercial operation with Form (11) for their manufacturing business and report to the Commission in accordance with Foreign Investment Rule 97.

13. Nutrifood Products Company Limited shall endeavour to meet the targets for production stated in the proposal as the minimum target.

14. The Commission approves periodical appointments of foreign experts and technicians from abroad as per proposal and also in accordance with Chapter XI, section 24 and section 25 of the Foreign Investment Law and Nutrifood Products Company Limited has to follow the existing Labour Laws for the recruitment of staff and labour in accordance with Chapter XIII, Rule 84 of the Foreign Investment Rules.

15. In order to evaluate foreign capital and for the purpose of its registration in accordance with the provisions under Chapter XV, section 37 of the Foreign Investment Law, it is compulsory to report as early as possible in the following manner:-

(a) the amount of foreign currency brought into Myanmar, attached with the necessary documents issued by the respective bank where the account is opened and defined under Chapter XVI, Rules 134 and 135 of the Foreign Investment Rules;

(b) the detailed lists of the type and value of foreign capital defined under Chapter I, section 2(i) of the Foreign Investment Law, other than foreign currency.

16. Whenever Nutrifood Products Company Limited brings in foreign capital defined under Chapter I, section 2 (i) of the Foreign Investment Law, other than foreign currency in the manner of paragraph 15(b) mentioned above, the Inspection Certificate endorsed and issued by an internationally recognized Inspection Firm with regard to quantity, quality and price of imported materials shall have to be attached.

17. Nutrifood Products Company Limited has the right to make account transfer and expend the foreign currency from his bank account in accordance with Chapter XVI, Rule 136 of the Foreign Investment Rules and for transfer of local currency generated from the business to the local

currency account opened at the bank by a citizen or a citizen-owned business in the State and right to transfer back the equivalent amount of foreign currency from the foreign currency bank account of citizen or citizen-owned business by submitting the sufficient document in accordance with Chapter XVII, Rule 145 of the Foreign Investment Rules.

18. Nutrifood Products Company Limited shall report to the Commission for any alteration in the physical and financial plan of the project. Cost overrun, over and above the investment amount pledged in both local and foreign currency shall have to be reported as early as possible.

19. Nutrifood Products Company Limited shall be responsible for the preservation of the environment at and around the area of the project site. In addition to this, it shall carry out as per instructions made by Ministry of Natural Resources and Environmental Conservation in which to conduct an Initial Environmental Examination (IEE) and an Environmental Management Plan (EMP) which describe the measure to be taken for preventing, mitigation and monitoring significant environmental impacts resulting from the implementation and operation of proposed project or business or activity has to be prepared and submitted and to perform activities in accordance with this EMP and be abided by the environmental policy, Environmental Conservation Law and other environmental related rules and procedures.

20. After getting permit from Myanmar Investment Commission, Nutrifood Products Company Limited shall have to be registered at the Directorate of Industrial Supervision and Inspection.

21. After getting permit from Myanmar Investment Commission, Nutrifood Products Company Limited must follow National Food Law and it is necessary to get the permission of Food and Drug Administration(FDA) under Ministry of Health and Sports.

22. Nutrifood Products Company Limited shall have to abide by the Fire Services Department's rules, regulations, directives and instructions. Moreover, fire prevention measures shall have to undertake such as water storage tank, fire extinguishers and provide training to use the fire fighting equipments and also to appoint fire safety officer.

23. Payment of principal and interest of the loan (if any) as well as payment for import of raw materials and spare parts etc., shall only be made from export earning and local sales of Nutrifood Products Company Limited.

24. Nutrifood Products Company Limited in consultation with Myanma Insurance, shall effect such types of insurance defined under Chapter XII, Rule 79 and 80 of the Foreign Investment Rules.

14.7.17

(Kyaw Win)

Chairman

Nutrifood Products Company Limited

cc: 1. Office of the Union Government of the Republic of the Union of Myanmar
2. Ministry of Home Affairs
3. Ministry of Natural Resources and Environmental Conservation
4. Ministry of Labour, Immigration and Population
5. Ministry of Industry
6. Ministry of Commerce
7. Ministry of Health and Sports
8. Ministry of Planning and Finance
9. Office of the Yangon Region Government
10. Director General, Department of Environmental Conservation
11. Director General, Directorate of Labour
12. Director General, Department of Immigration
13. Director General, Directorate of Industrial Supervision and Inspection

14. Director General, Department of Trade
15. Director General, Food and Drug Administration(FDA)
16. Director General, Customs Department
17. Director General, Internal Revenue Department
18. Director General, Directorate of Investment and Company Administration
19. Director General, National Archives Department